

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

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In the Matter of )  
Implementation of Section 621(a)(1) of )  
the Cable Communications Policy Act of 1984 ) MB Docket No. 05-  
311  
as amended by the Cable Television Consumer )  
Protection and Competition Act of 1992 )

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**COMMENTS OF CLACKAMAS COUNTY**

These Comments are filed by Clackamas County in support of the comments filed by the National League of Cities and the National Association of Telecommunications Officers and Advisors ("NATOA"). Like NLC and NATOA, Clackamas County believes that local governments can issue an appropriate local franchise for new entrants into the video services field on a timely basis, just as they have for established cable services providers. In support of this belief, we wish to inform the Commission about the facts of video franchising in our community.

**Cable Franchising in Our Community**

**Community Information**

Clackamas County is a county with a population of 361,300. Our franchised cable provider(s) are Comcast or Oregon II, Inc., Comcast of Illinois, Ohio, Oregon, LLC, Comcast of Tualatin Valley, Beaver Creek Cooperative Telephone, Cascade Cable, Canby Telephone Association, Charter Communications, Clear Creek TeleVision, Colton Cable TV, Government Camp Cable, Willamette Broadband Canby and Willamette Broadband Molalla. Our community has negotiated cable franchises since 1979.

**Competitive Cable Systems**

Our community:

- was approached in 1999 and 2000, but the providers (WOW, RCN) chose not to enter into any formal discussions.
- was approached in May of 2005 by Canby Telephone Association about the possibility to have them provide video service in the unincorporated

Clackamas County area. They had been approved to provide television services within the City of Canby and actually began offering those services in October 2005. They were finally ready to expand those services outside the city limits in November 2005. We sent them an agreement initially in June 2005 to review. We met with them provided an updated draft agreement in July 2005. We did not receive a response from them until November 1, 2005. We met with them again in December. There was agreement and the document was signed before the Board of County Commissioners on January 5, 2006. In general, the total time negotiating the franchise was about two or three work days. The applicant was cooperative and willing to agree to a franchise comparable to the incumbent's terms on PEG and I-Net support. Because the new provider of video services is offering the IPTV method of delivery, the company territory did not encompass the entire territory of the incumbent provider. The build-out will be based on a home being within 8,000 feet of a remote switch. .

- has also been approached about franchising for delivery of service from a large telco provider along territory that borders more populated counties. The telco has not inquired further.
- has not denied any provider the opportunity to serve in our community.
- does have mechanisms in place to offer the same or a comparable franchise to a competitor upon request.

## **Conclusions**

The local cable franchising process functions well in Clackamas County. As the above information indicates, we are experienced at working with cable providers to both see that the needs of the local community are met and to ensure that the practical business needs of cable providers are taken into account.

Local cable franchising ensures that local cable operators are allowed access to the rights of way in a fair and evenhanded manner, that other users of the rights of way are not unduly inconvenienced, and that uses of the rights of way, including maintenance and upgrade of facilities, are undertaken in a manner which is in accordance with local requirements. Local cable franchising also ensures that our local community's specific needs are met and that local customers are protected.

Local franchises thus provide a means for local government to appropriately oversee the operations of cable service providers in the public interest, and to ensure compliance with applicable laws. There is no need to create a new Federal bureaucracy in Washington to handle matters of specifically local interest.

Finally, local franchises allow each community, including ours, to have a voice in how local cable systems will be implemented and what features (such as PEG access, institutional networks or local emergency alerts, etc.) will be available

to meet local needs. These factors are equally present for new entrants as for existing users.

Clackamas County therefore respectfully requests that the Commission do nothing to interfere with local government authority over franchising or to otherwise impair the operation of the local franchising process as set forth under existing Federal law with regard to either existing cable service providers or new entrants.

Respectfully submitted,

Clackamas County

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